

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction: April 5, 2005
Public Hearing: April 26, 2005

CONTACT PERSON/PHONE: Christina Valles, 541-4930

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting Special Permit No. ZON05-00001 to satisfy parking requirements for Parcel 1, described as Lots 23 - 26, Block 9, East El Paso Addition, El Paso, El Paso County, Texas, by allowing off-street parking on Parcel 2, described as the East 20 feet of Lot 13, all of Lot 14, and the South 88 feet of Lots 15 and 16, Block 10, East El Paso Addition, pursuant to Section 20.24.040 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Francisco Gonzales. ZON05-00001 (District 8)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00001 TO SATISFY PARKING REQUIREMENTS FOR PARCEL 1, DESCRIBED AS LOTS 23 - 26, BLOCK 9, EAST EL PASO ADDITION, EL PASO, EL PASO COUNTY, TEXAS, BY ALLOWING OFF-STREET PARKING ON PARCEL 2, DESCRIBED AS THE EAST 20 FEET OF LOT 13, ALL OF LOT 14, AND THE SOUTH 88 FEET OF LOTS 15 AND 16, BLOCK 10, EAST EL PASO ADDITION, PURSUANT TO SECTION 20.24.040 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Francisco Gonzales has applied for a Special Permit under Section 20.24.040 of the El Paso Municipal Code to allow the off-street parking requirements of Section 20.64.170 to be satisfied off-site;

WHEREAS, the requirements of Section 20.64.170 have been satisfied; and

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Parcel 1, which is described as *Lots 23 - 26, Block 9, East El Paso Addition, El Paso, El Paso County, Texas*, is in a C-4 (Commercial) District which requires thirty-seven parking spaces under Section 20.64.170 of the El Paso Municipal Code;

2. That the City Council hereby grants a Special Permit under Section 20.24.040 of the El Paso Municipal Code so that the parking requirements described in Paragraph 1 of this Ordinance may be satisfied off-site as described in Paragraph 3 of this Ordinance;

3. That Parcel 2, which is described as *the East 20 feet of Lot 13, all of Lot 14, and the South 88 feet of Lots 15 And 16, Block 10, East El Paso Addition, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", is located

in an A-3 (Apartment) District on a separate site from the property described in Paragraph 1 of this Ordinance;

4. That the City Council hereby grants a Special Permit under Section 20.24.040 so that the property described in Paragraph 3 of this Ordinance may be used as off-street parking in order to satisfy partially the parking requirements described in Paragraph 1 of this Ordinance;

5. That this Special Permit is issued subject to the regulations and development standards in the C-4 (Commercial) District for Parcel 1 and the A-3 (Apartment) District for Parcel 2.

6. That if at any time the off-street parking spaces described herein are not available to fulfill the parking requirements described herein, or if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON05-00001**, shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and

7. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

(SIGNATURES ON FOLLOWING PAGE)

PASSED AND APPROVED this _____ day of _____, 2005.


THE CITY OF EL PASO

Joe Wardy, Mayor

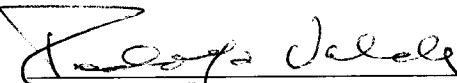
ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO CONTENT:

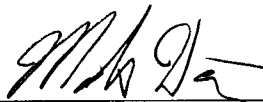


Christina Valles, Urban Planner
Planning, Research & Development



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney
Doc No. 10480

AGREEMENT

Francisco Gonzales, the Applicant referred to in the above Ordinance, hereby agrees to utilize the above-described property in accordance with the regulations and development standards identified in the C-4 (Commercial) District for Parcel 1 and A-3 (Apartment) District for Parcel 2, and comply with all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2005.

Francisco Gonzalez

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2005, by _____, as Applicant.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:

METES AND BOUNDS DESCRIPTION

Metes and Bounds description of a parcel of land out of the East 20 feet of Lot 13, all of Lot 14, and the South 88 feet of Lots 15 and 16, Block 10, East El Paso Addition, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the Northerly right-of-way line of Pera Street with the Westerly right-of-way line of Copia Street and also being the **POINT OF BEGINNING** of this description:

THENCE, along said Northerly right-of-way line of Pera Street, North 90° 00' 00" West, a distance of 95.00 feet to a point;

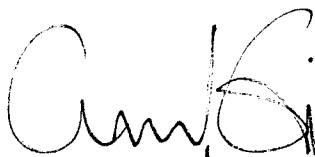
THENCE, leaving said right-of-way line of Pera Street, North 00° 00' 00" West, a distance of 140.00 feet to a point;

THENCE, South 90° 00' 00" East, a distance of 45.00 feet to a point;

THENCE, South 00° 00' 00" East, a distance of 52.00 feet to a point;

THENCE, South 90° 00' 00" East, a distance of 50.00 feet to a point at its intersection with the Westerly right-of-way line of Copia Street;

THENCE, along said Westerly right-of-way line of Copia Street, South 00° 00' 00" East, a distance of 85.00 feet to the **POINT OF BEGINNING** and containing 6,300 square feet or 0.2456 acres of land more or less.


Armando Garcia, P.E.

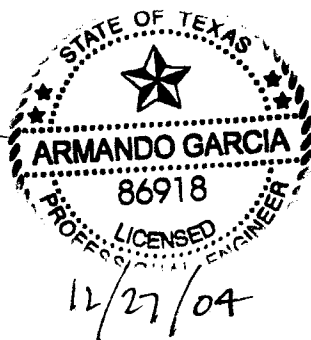


Exhibit "A"

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

GEORGE G. SARMIENTO, AICP
DIRECTOR



**PLANNING, RESEARCH &
DEVELOPMENT DEPARTMENT**

March 25, 2005

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Christina Valles, Planner II

SUBJECT: ZON05-00001

The City Plan Commission (CPC), on March 24, 2005, voted **7 - 0** to recommend **APPROVAL** of special permit request for off-site, off-street parking, concurring with Staff's recommendation.

The CPC found that this special permit request is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this special permit request is in the best interest, health, safety and welfare of the public in general.

There was **NO OPPOSITION** to this request.

Attachment: Location Map

STAFF REPORT

Special Use Permit #: ZON05-00001

Property Owner(s): Francisco and Pedro Gonzalez

Applicant(s): Francisco and Pedro Gonzalez

Representative(s): Armando Garcia

Legal Description: Parcel 1: Lots 23 through 26, Block 9, East El Paso Addition
Parcel 2: The east 20 feet of Lot 13, all of Lot 14, plus the South 88 feet of Lots 15 and 16, Block 10, East El Paso Addition

Location: Parcel 1: 3600, 3604, 3606 Alameda
Parcel 2: Pera Street west of Copia Street

Representative District: # 8

Area: Parcel 1: 0.286 Acres
Parcel 2: 0.245 Acres

Zoning: Parcel 1: C-4 (Commercial)
Parcel 2: A-3 (Apartment)

Existing Use: Parcel 1: Store
Parcel 2: Vacant

Proposed Use: Parcel 1: Store
Parcel 2: Off-Site, Off-Street Parking

Recognized Neighborhood Associations Contacted: Estrella Neighborhood Association

Surrounding Land Uses:

Parcel 1:

| | |
|-----------------------|------------------|
| <i>North -</i> | C-4 (Commercial) |
| <i>South -</i> | A-3 (Apartment) |
| <i>East -</i> | C-4 (Commercial) |
| <i>West-</i> | C-4 (Commercial) |

Parcel 2:

| | |
|-----------------------|-----------------------------------|
| <i>North -</i> | C-4 (Commercial) |
| <i>South -</i> | A-3 (Apartment) |
| <i>East -</i> | A-3 (Apartment) |
| <i>West-</i> | A-3/sp (Apartment/special permit) |

Year 2025 Designation: **Residential (Central Planning Area)**

**CITY PLAN COMMISSION HEARING, March 10, 2005,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Special Use Permit: ZON05-00001

General Information:

The applicant is requesting a special permit to allow for Off-Premise Parking which will serve an existing Store. The property is currently zoned A-3 (Apartment). The site is currently Vacant and is 0.286 acres in size. The proposed site plan shows a parking lot to be located on the site. Access is proposed via Pera Street and Copia Street; 26 parking spaces are provided. There are no zoning conditions currently imposed on this property.

Information to the Commission:

The Planning Department has received no calls or letters in support or opposition to this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this special permit request contingent upon verification of compliant landscaping and handicapped parking.

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

The Year 2025 Projected General Land Use Map for the **Central** Planning Area designates this property for **Residential** land uses.

A-3 (Apartment) zoning permits Off-Site, Off Street Parking by special permit.

The Commission must determine the following:

- A. Will the special permit for Off-Site, Off Street Parking protect the best interest, health, safety and welfare of the public in general?

Information To The Applicant:

Building Permits and Inspections Department Notes:

Building Permits and Inspections does not object to the proposed off-premise parking provided that landscaping requirements are met.

Engineering Department, Development Division Notes:

No objection provided that handicapped parking is revised to comply.

Engineering Department, Traffic Division Notes:

No objection provided that handicapped parking is revised to comply.

Fire Department Notes:

Off-premise parking case does not adversely affect the Fire Department.

El Paso Water Utilities Notes:

See Enclosure 1.

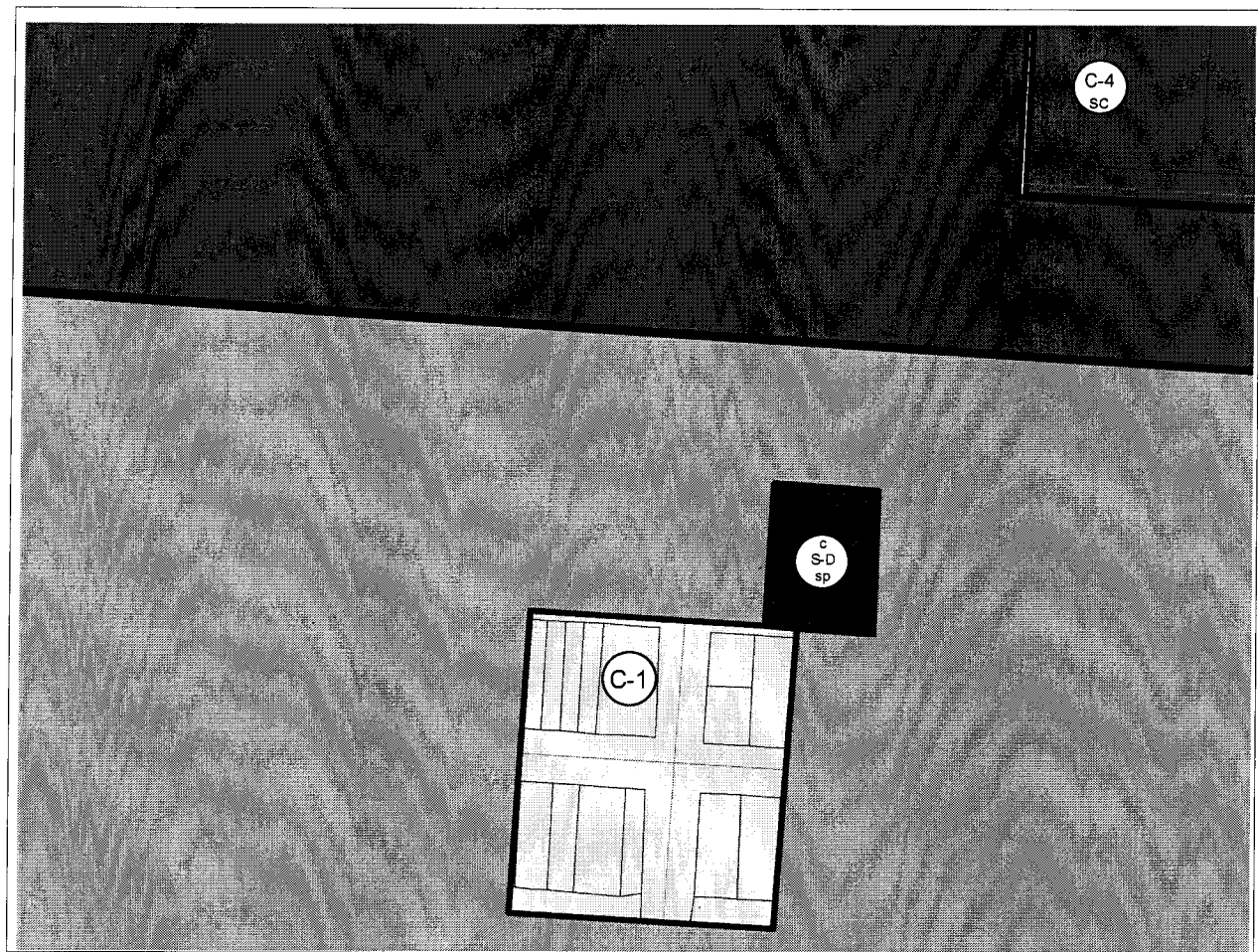
Planning, Research & Development Department Notes:

Recommend approval of the special permit request.

ATTACHMENT: Site Plan; Enclosure 1.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING, RESEARCH AND DEVELOPMENT DEPARTMENT AT (915) 541-4056.

LOCATION MAP



AERIAL MAP



GENERALIZED PLOT PLAN

